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MEMO ENDORSED

July 29, 2008

Via Fax

The Honorable Richard J. Sullivan
 District Judge
 US District Court
 Southern District of New York

Re: McGrath v. The Peoples Republic of China
 Case No.: 08 CV 01073

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/31/08

Dear Honorable Sir:

This correspondence is being forwarded pursuant to the instructions received from your chambers.

Initially, plaintiffs' counsel wishes to apologize to the Court for the non-compliance with your Honor's prior Order. We were not aware that the Order was solely posted through the electronic filing system and as a result we inadvertently failed to comply with the deadlines set forth therein.

The original complaint named an improper party as well as the People's Republic of China. Upon serving the complaint, on the said improper party we were advised as to the correct identity of the defendant and we have prepared a new complaint which has already also been translated into Chinese for service upon the co-defendant, People's Republic of China. Inasmuch, as the original complaint had named an improper party and we were aware that we would have to commence an action against the proper party, the original complaint was not served on the People's Republic of China.

If the Court does not object, it is our desire to discontinue the original action without prejudice and to file the new complaint this week against both properly named parties. In the interim, we have made sure that we have a proper ECF account opened with the Southern District so that in the future we will be certain to comply with all timely filing requirements.

Please advise my office if this course of action is acceptable to the Honorable Court. Once again, we apologize for our inadvertent non-compliance and assure your Honor that no disrespect was intended to the Court.

Respectfully submitted,

Anthony Ameduri
 Anthony L. Ameduri
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Plaintiff's request is granted. Plaintiff shall file a notice of voluntary dismissal forthwith. The initial conference scheduled for 7/31/08 at 9:30 am is adjourned without date
 7/31/08 *RS*
 USDS